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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

Second periodic reports of States parties*

The Netherlands**

(Aruba)

* For the initial report submitted by the Government of the Kingdom of the Netherlands, see CEDAW/C/NET/1, CEDAW/C/NET/1/Add.1, CEDAW/C/NET/1/Add.2 and CEDAW/C/NET/1/Add.3; for its consideration by the Committee, see CEDAW/C/SR.239, and *Official Records of the General Assembly, Forty-ninth Session, Supplement No. 38* (A/49/38), paras. 245-317.

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CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN; SECOND SUPPLEMENTARY REPORT OF ARUBA

DECEMBER 1997

Contents

		Page
Introduction		5
Articles 1-3	Legislative and policy measures	6
Article 5	Stereotypes	13
Article 6	Traffic in women and prostitution	18
Article 7	Public and political life	19
Article 10	Education	22
Article 11	Employment	35
Article 12	Health	44
Article 13	Economic and social life	58
Article 15	Equal treatment before the courts and before the law	60

Introduction

The present report is submitted in pursuance of article 18 of the Convention on the Elimination of all Forms of Discrimination against Women, and in accordance with the guidelines of the CEDAW. The second periodic report covers the period from January 1993 to June 1997. It has been prepared by the Aruban Human Rights Committee consisting of representatives of various government departments, in cooperation with the recently established Bureau of Women's Affairs and in consultation with the relevant non-governmental organisations.

The subjects which were dealt with in the previous report and which have remained unchanged during the period covered by this report are not commented upon. Part 1 of Aruba's previous report, which provides general information on Aruba, has now been updated by Aruba's Core Document HRI / Core / I / add. 68.

Articles 1-3: Legislative and policy measures

In keeping with the recommendations made by the CEDAW Committee after consideration of the first Kingdom report, the following can be reported about the establishment of a national machinery.

National Bureau of Women's Affairs

A national symposium on the subject of "Hende Muher Rumbo pa Siglo 21" (Women en route to the 21st century) was held in August 1995. This symposium was organised under the auspices of the Ministry of Health, Social Affairs, Culture and Sport, for the purpose of initiating a public debate on the position of women in Aruban society. The recommendations made by this symposium were intended to serve as a guide for the policy to be pursued with regard to women.

The results of the national symposium were one of the factors which led to the establishment of the Bureau of Women's Affairs (coming under the Social Affairs Department) on International Women's Day (8 March 1996). During the opening the Ministry of Health, Social Affairs, Culture and Sport presented the Report on the establishment of the Bureau of Women's Affairs. Part 1 of this report placed the establishment of the Aruban Bureau of Women's Affairs in an international and historical context. Part 2 discussed the actual establishment of the Bureau and part 3 provided a basis for the development of specific projects. The purpose of the Bureau is to make and coordinate policy. Its terms of reference are:

- to single out inequalities between the sexes and to come up with ideas for policies to bring about change;
- to request research, where necessary, in support of the development of these policies;
- to initiate and coordinate projects to implement these policies;
- to offer information and to educate women with regard to women's policies in general with the aim of transforming negative gender-related images;

- to participate in and keep abreast of regional and international developments regarding the position of women.

National Women's Council

To support the Bureau of Women's Affairs the Minister of Health, Social Affairs, Culture and Sport established a National Women's Council on 8 September 1996. The Council, whose members have expertise in a variety of fields, advises the Minister both on request and of its own volition and acts as a channel for liaison with the Minister regarding problems identified in society.

Regional cooperation

To promote regional cooperation the Document on Cooperation on Gender Policy between the Netherlands Antilles, the Republic of Suriname and Aruba was signed in Paramaribo on 11 May 1996 by the ministers responsible for women's policy in the three countries. The aim of this cooperation is to promote regional cooperation in the advancement of gender policy as a supplement to the existing national policy of each country. The main object is the empowerment of women as a basis for welfare, family and humanitarian policy. The proposals for regional cooperation were combined in a Regional Activities Programme in July 1996.

The cooperation consists of:

- organising gender awareness courses for the purpose of increasing gender awareness among all sections of the population;
- initiating and supporting the promotion of expertise in the field of gender and development;
- encouraging training for women by means of special programmes, for example vocational training for women at national level;
- exchanging know-how and skill in ways of combating poverty, particularly among

women;

- adopting a coordinated approach to combating violence against women and providing aid to victims;
- supporting cultural and sporting activities for women and promoting an exchange between the three countries in these fields;
- formulating a uniform view on action programmes for women, namely the Regional Programme of Action for Women of Latin America and the Caribbean, 1995-2001, and the Beijing Platform of Action;
- establishing and encouraging research into all aspects of gender policy;
- supporting programmes of an international nature in close cooperation with other countries, the UN/ECLAC head office in Santiago, Chile, the subregional office in Port of Spain and other international organisations.

The cooperation agreement between the three countries was entered into for three years. At the end of this period a decision on whether to continue it will be taken on the basis of the results of the last annual evaluation. Various projects have already been carried out in the context of the regional cooperation and will be discussed below in relation to the relevant articles of the present report.

Cooperation within the Kingdom

A project known as "NAN" (Netherlands Antilles, Aruba and the Netherlands) was established as a result of an initiative by various welfare institutions and women's organisations in 1996. The aim of this project is to provide for a permanent exchange of information between governmental and non-governmental welfare institutions in the constituent parts of the Kingdom on assistance, education and training for women and emancipation of women. As part of this project, social workers and others involved in helping women in the Netherlands Antilles and Aruba paid a 13-

day working visit to the Netherlands in November 1996. The aim was to exchange ideas and information on the development of methods, projects and policy in order to adopt an innovative approach to the gender issue. Aruba sent two employees of the NGO "Fundacion Hende Muhe den Difficultad" (Foundation for Women in Distress) and two employees of the Life and Family Difficulties and Family Counselling Sections of the Social Affairs Department. Specific working agreements were made, in particular for the establishment of a crisis and reception centre for battered women on Aruba.

Obstacles

The institutional developments described above are a first step in the process of establishing a national machinery. Despite increasing awareness of women's and gender issues, it should be noted that it is proving hard to initiate the "mainstreaming" process within the public sector. In this respect the Bureau of Women's Affairs still has an important role to play in providing information and raising awareness.

The first CEDAW report mentioned that there were still areas of law in which women were accorded unequal treatment or were indeed even disadvantaged or constrained. A detailed list of the discriminatory provisions of the law has been drawn up by the Legislative Department. It is intended that the Bureau of Women's Affairs, in consultation with the government departments concerned, should encourage the revision of this legislation and monitor progress. In order to make the public more aware of the existence of these discriminatory provisions, the Bureau regularly supplies information to the media.

It is expected that a large number of the discriminatory provisions will be revised when the New Civil Code of the Netherlands Antilles and Aruba is introduced.

New Civil Code of the Netherlands Antilles and Aruba

A Joint Commission for the Revision of the Civil Code consisting of lawyers of the Netherlands Antilles and Aruba was appointed in 1993. To assist the Commission, a number of lecturers and professors have been supplied by the Netherlands under the technical cooperation programme (KABNAA).

The draft country Act containing the text of Book 1 (Family Law and the Law of Persons) is the draft which has the greatest relevance to the present treaty. In the last fifteen years, family law and the law of persons have been greatly influenced by the human rights instruments, particularly the European Convention on Human Rights and the International Covenant on Civil and Political Rights. The case law of the European Court of Human Rights is also binding on Aruba. The draft law includes the following changes.

Reduction of the age of majority to 18 years

More and more countries are setting the age of majority at 18 years. Where large numbers of people travel between countries, for example between the Netherlands and Aruba, the existence of different ages of majority can create difficulties in practice. The reduction of the age of majority in the Netherlands (in 1987) has not met with any serious objections. It is proposed that parents' duty to provide for their children should be maintained until the child reaches the age of 21.

Replacement of the term parental authority

The term "parental authority" is to be replaced by the term "parental responsibility". The responsibility that parents have towards their children will always be referred to as parental responsibility, while the term "guardianship" is to be reserved for the responsibility of a third party towards a child. The term second "guardian" is to be dropped. Joint responsibility outside marriage is to be regulated by law.

Revision of divorce law

The situation at present is that divorce is not possible if one of the spouses is unwilling to cooperate. It is now proposed that irretrievable breakdown of marriage should be introduced as the ground for divorce. The idea is that the law should not be too much out of line with social trends. Another consideration is that it is extremely difficult, if not impossible, for outsiders - including the courts - to form an opinion on the possible misconduct of a spouse and on the "blame" for marital problems: often the breakdown is due to a subtle process of action and reaction. Moreover, a system based on the apportionment of blame is undesirable because it leads to mutual recriminations and a hardening of attitudes, which is also harmful to the children.

Combating of marriages of convenience

It is proposed that the registrar of births, deaths and marriages should refuse to register a marriage if he considers that it would be contrary to public order. This applies to both sham marriages and sham recognitions. The persons concerned would have a right of appeal to the courts.

Limitation of spouse's maintenance

It is proposed that a spouse's maintenance should in principle last for a maximum of 12 years. However, the courts could extend the maintenance if its termination would be unacceptable in terms of the criteria of reasonableness and fairness. The new arrangement will not apply to divorces that predate its entry into force.

Maintenance after cohabitation (outside marriage)

It is proposed that - unlike the situation in the Netherlands - the courts should have the power to award maintenance after termination of a long period of cohabitation if this would be reasonable in the circumstances. In arriving at its decision, the court could take account of all the circumstances of the case, for example the length of the cohabitation, the division of

responsibilities between the parties, the age and state of health of the indigent party and the age of any children.

Law of parentage and law of names

The Commission has decided that it should await developments in the Netherlands in this field. These are socially highly sensitive and controversial matters, and there are deeply rooted moral and religious convictions involved. The Commission therefore considers that it would be preferable to deal with these matters separately from the new Civil Code project.

As a result of the case law in this field, legislation is required in respect of articles 8 (family life) and 14 of the European Convention on Human Rights. Under the law as it stands, a married man cannot acknowledge a child that is or may have been fathered during his marriage. The Dutch Supreme Court has held that this provision is contrary to article 8 of the European Convention on Human Rights. The court will have to assess specifically whether the prohibition is justified. The Joint Court of Appeal of the Netherlands Antilles and Aruba held in a judgment of 23 January 1996 that a man who was judicially separated from his wife and whose marriage had produced children was entitled to recognise an illegitimate child.

Equality of man and woman

The present Civil Code still contains various provisions that place a woman in a more disadvantageous position than a man and must nowadays be regarded as unjust and contrary to the principle of equality in the Constitution. For example, it is provided that in the event of a difference of opinion about the education of the children the wishes of the father are decisive. It is proposed that these inequalities be abolished.

Article 5: Stereotypes

In the period under review, a number of major new initiatives have been taken to combat the existence of stereotypes which accord a subordinate role to women in Aruban society.

Curriculum development

In the development of curricula for schools the Education Department is currently giving special attention to the prevention of stereotyping in the educational material. The recently established system of junior secondary vocational education - "educacion profesional basico" - (see also article 10), in which the subjects of technology, administration and care are taught to both boys and girls, includes a subject known as "humanitarian education". This deals among other things with relations between the sexes. The main aim is (1) to promote mutual respect between men and women and (2) to improve communication between them. As regards sex education, attention is paid above all to encouraging boys and girls to have a sense of responsibility for their own acts.

"Bringamosa"

Since September 1996 the Bureau of Women's Affairs has cooperated with a local daily newspaper in publishing a monthly women's supplement entitled "Bringamosa", a name chosen because it not only denotes the local species of stinging nettle but also because it means "fighting girl" in Papiamento, the local language. The aims of the supplement are mainly to educate and break the mould of social patterns. There is special coverage of women with (for women) unusual occupations and women who excel in a given field. The decision to work with a local newspaper was taken for reasons of cost. However, it is intended that the Bureau should in due course publish its own information magazine.

"Bringamosa" has on the whole been well received. However, the market for locally published

women's magazines too, including women's pages containing traditional "women's subjects", has also grown. With certain exceptions, these publications generally tend to reinforce and emphasise existing stereotypes. The interest in the growing number of beauty competitions (for all age groups) is symptomatic of this situation.

Media

Changing the attitudes of both men and women is essential if the position of women in society is to be improved. A key part of this involves consciousness-raising. The media influences and controls public opinion to a large extent and therefore plays an important role in the consciousness-raising process. Since a correct approach to gender in the media is assumed to be crucial in achieving equality and mutual respect between men and women, the first regional seminar of the subject of "gender awareness and the image of women in the media" was held in Aruba in September 1996 (as part of the regional cooperation between the three countries mentioned above). The aim of this seminar was to make people (especially those working with the media) more aware of the issue of gender and to analyse the image of women in the media in order to reach a more realistic and positive picture. The establishment of a media council in each of the countries and the provision of gender awareness courses for media personnel were the main recommendations of the seminar.

General Recommendation no. 12

As regards General Recommendation no. 12 concerning violence against women, it should be noted that data from the Aruba Police Force show the number of recorded crimes of violence against women is rising. It is quite possible that this is partly connected with the provision of more information to women and their greater awareness, leading to a greater inclination on their part to report such crimes.

The figures below relate exclusively to cases that were reported to the police. The actual number of crimes of violence against women is not known. It can be assumed that there are still many

women who are afraid to report this crime.

type of crime	1993	1994	1995
threats	33	36	41
minor assault	55	67	87
serious assault/assault with a weapon	27	26	51

No separate record is kept of criminal cases involving the indecent assault or rape of women or some other form of violence against women. As regards the joinder of the injured party in criminal proceedings, reference may be made to article 6 of the Fourth Supplementary Report of Aruba on the International Covenant on Civil and Political Rights.

As regards the period under review, mention may be made of an appeal judgment of 5 December 1995 in which the court convicted the defendant under article 244 (2) in conjunction with article 59 of the Criminal Code: "indecency where another person there present is exposed to it against his or her will, committed on more than one occasion". The defendant (an adviser to the Minister of Justice) put forward as his defence that his actions had not been reprehensible and were in fact evidence of a "jovial approach" to the public, an approach which he maintained was customary for Aruban politicians. Indeed, he even described this as part of the culture. The Court of Appeal held as follows: "Save for the statement of the defendant there is no evidence that Aruban politicians make a habit of contravening the laws of Aruba on sexual offences. In addition, even if what the defendant has described as culture was customary in the past, it should be regarded according to present standards of acceptable behaviour as an

outmoded and reprehensible liberty that gives carte blanche to a person invested with power or authority (whether public or otherwise) to violate female subjects or subordinates who are dependent on him. By acting in this way the defendant failed to comply with the social and ethical standards which he above all should have observed in his dealings on behalf of the Minister of Justice with female citizens".

As regards the provision of assistance to female victims of violence it should be noted that the Foundation for Women in Distress (Fundacion pa Hende Muher den Difficultad) was established in November 1995. The aim of the Foundation is to improve the position of women in Aruba in general, to combat the use of violence in the family, particularly violence against women, and to offer assistance. The Foundation is endeavouring to achieve this aim by:

- conducting a consciousness-raising campaign;
- giving courses and holding workshops, seminars etc.;
- establishing and maintaining one or more reception centres for people who have become the victim of violence and/or abuse;
- establishing and maintaining a women's network;
- advising the Aruban authorities and other local bodies on women's affairs, especially with regard to legislation;
- maintaining contacts and cooperating with national and foreign organisations that have the same or a related object.

The Foundation recorded a total of 42 cases of abuse of and threats against women in 1996. These included:

- various requests for refuge, all of which were from women with children;
- various cases of sexual intimidation; the number of complaints about this has increased;
- other cases involving abuse, death threats, serious insults and deprivation of liberty either before, during or after a divorce or during a period of cohabitation; threats concerning the

loss of children.

The reception of battered women is now done by volunteers and is of a temporary nature. It can be regarded as an interim solution until the plans for establishing a shelter have been finalised. The Foundation is partly subsidised by the government.

In March 1996 the Foundation held a seminar on the theme of sexual harassment and domestic violence. And in November of the same year it held a seminar entitled "Participation of women in the community: a reality?".

In January 1997 the Bureau of Women's Affairs mounted a consciousness-raising campaign for the purpose of combating violence against women. The many reactions and requests for help once again showed that violence against women is a major problem at all levels of the community.

Article 6: Traffic in women and prostitution

Further to the previous report it can be reported that there are no indications of any trafficking in women, whether organised or otherwise, in the period under review. Nor has there been any complaint or official report concerning trafficking in women.

In some cases women may be recruited abroad for a different occupation in Aruba but then forced by economic necessity - sometimes as a stop-gap measure - to engage in prostitution during their temporary stay in Aruba. To what extent such behaviour is voluntary or involuntary in specific cases is often difficult for the authorities to judge. It is thought that the investigation fails because the women concerned are afraid to complain for fear of reprisals.

Women who have been issued a permit and work as prostitutes are required to meet certain conditions regarding their health and they are obliged to use condoms and attend for a weekly medical examination. Rules are also imposed regarding their accommodation and where they practise their profession. The above does not apply to streetwalkers, who constitute a major danger to public health. As mentioned in the previous report, soliciting in a public place is prohibited under article 49 of the General Police Ordinance in the interest of public order and morals.

Article 7: Public and political life

Further to the previous report, the most recent data are shown in the tables below:

Position and number of women who have held this position since Aruba gained its autonomous status in 1986

Position	Number
Governor	0
Minister	2
Member of Parliament	9
Member of the Social and Economic Council	0
Member of the Advisory Council	0
Public prosecutor	1
Judge	1

It should be noted in this connection that one woman is at present training for the judiciary. The sole female judge presently works in the Court of First Instance. There is one female public prosecutor in Aruba (out of a total of 6), and the number of female heads of department in government bodies is now nine (out of a total of 59). The table also shows that two women have held ministerial posts since 1986, namely the former Minister Plenipotentiary of Aruba in The Hague (who also held the post of Minister of Finance) and the Minister of Health, Social Affairs, Sport and Culture. The number of women who have been members of parliament has risen by seven since 1993.

TABLE I: Results of female politicians in elections in the 1983-1994 period

Year	Number of women on lists	Number of votes for women	Total number of candidates	Total number of votes	Average number of votes cast for women
1983	13	1005 (2.8%)		35.898	77
1985	19	1431 (3.9%)		36.642	75
1989	20	1793 (5%)	168	36.032	90
1993	32	3681 (9.2%)	184	39.867	115
1994	16	3299 (8.3%)	116	39.566	206

As regards the number of women on the executive of political parties, it should be noted that there is at present only one political party that has women - two - on the executive. However, there are no women on the executive of the two largest parties.

During the elections held in 1994, 3 of the 16 female politicians were placed high on the list of candidates (nos. 1-5) and 8 were in low positions (no. 15 and lower).

In order to encourage the participation of women, particularly young women, in political processes, a meeting on the theme of "Identity and Politics" was organised on Bonaire in March 1997 in the context of regional cooperation. Getting more women into political jobs and positions of authority is closely bound up with women's sense of their own worth and their self-confidence. Many stereotypes which influence not only the esteem accorded to but also the self-

image of men and women restrain women from starting a political career and/or accepting a senior position. During this "gender encounter", the identity of men and women from the relevant communities was subjected to critical analysis. Relations between men and women were studied from the perspective of cultural identity in order to identify factors that promote or hamper gender development. The aim of the course was to provide the participants with the tools required to participate effectively in politics in general and decision-making processes in particular.

In contrast to the limited number of women in politics, there are a great many women active in the social and cultural fields as volunteers and professionals. However, no hard figures are available.

Article 10: Education

General

For a general survey of the Aruban educational system, reference is made to article 13 of the initial report of Aruba regarding the Convention on Economic, Social and Cultural Rights (ICESCR). As regards compulsory education, reference is also made to article 14 of the ICESCR.

Art. I.20 of the Constitution of Aruba provides that "education shall be the constant concern of the Government" and that "public education will be regulated by law" with due respect for everyone's religion and philosophy of life.

There are no restrictions on the provision of education, save for supervision by the Government and, as regards the forms of education designated by law, save for the inquiry into the competence and moral integrity of the teachers (regulated by law). The choice of education to be received is also free, subject to any restrictions that are laid down by law. The conditions on which primary and secondary schools not run by public authorities may receive contributions from public funds are regulated by law.

Three policy reports dating from 1988, namely "Renewing education, priority for the future" (Renovacion di Enseñanza, prioridad pa futuro), "The college of education, a new teacher training institute in Aruba" and "Towards a system of bilingual education in Aruba" (Pa un sistema di Enseñanza bilingual na Aruba), outline an entirely new educational system and make proposals for a new initial training course for teachers, in-service training and the introduction of bilingual instruction in primary schools.

The debate about educational innovation is not of recent date; indeed, the proposals are

already being implemented in the form of various projects. For example, the project initiated by the Minister of Education and Labour entitled "Preparatory Education and Primary Education" focuses on six areas of innovation, namely teaching, the curriculum, school development, the relationship between family, school and society, educational structures and the statutory and financial framework. The new educational system is intended to be selection-free and to provide an integrated, continuous education for children aged 4 to 15. One of the measures to be taken is the development of a model for language education in Aruban primary schools which reflects the socio-linguistic reality of Aruba. For example, it is proposed that the basic skills (reading, writing, arithmetic and language) should be taught in Papiamento. New teaching materials will be developed and existing material altered to take account of the social, cultural and historic reality of Aruba and advances in science and technology.

In developing the new curriculum, efforts are made to eliminate the stereotyping of girls and boys that has existed hitherto. For example, the material for education on health care will use sex-neutral drawings with which both boys and girls can identify.

Participation of males and females

At pre-school and primary level, the participation of boys and girls is almost equal. From secondary school level onwards, however, there is a marked difference in the rate of participation, notably in technical education where girls are clearly under-represented. On the other hand, girls are over-represented in service-oriented education and education for the caring professions. Stereotypes and male and female role models probably continue to play an important role in the choice of school by both boys and girls. However, in relative terms more girls than boys progress from primary school to general secondary school (VWO [pre-university education], HAVO [senior general secondary education] and MAVO [junior general secondary education]). There are many more girls than boys in general secondary schools. The success rates of each type of school are shown in the following tables provided by the Education Department.

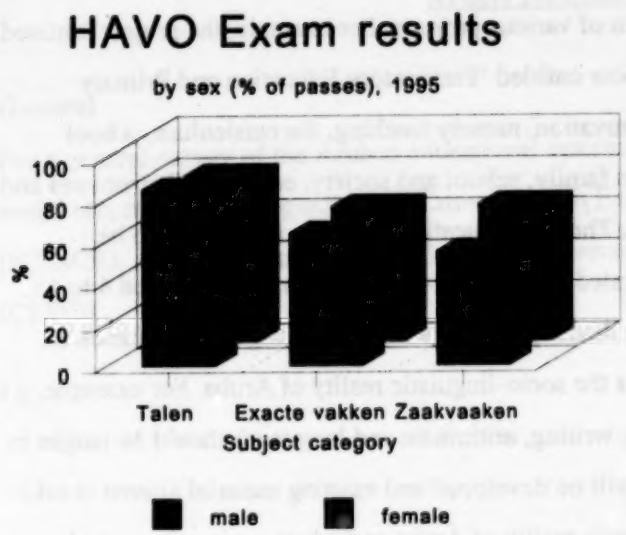


TABLE IIA

Translation:

Talen: Languages

Exacte Vakken: Exact sciences

Zaak vakken: Factual subjects

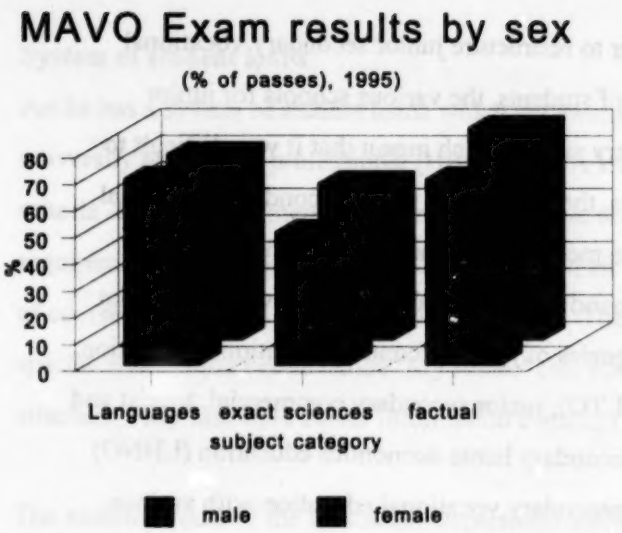


TABLE IIB

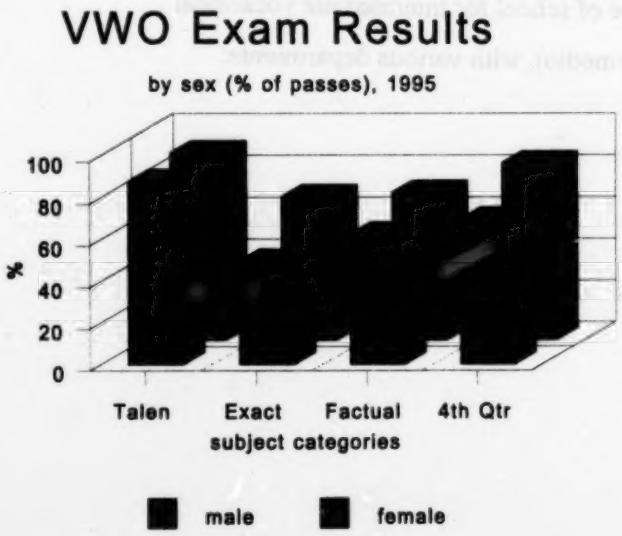


TABLE IIC

In 1990 the Council of Ministers gave the order to restructure junior secondary vocational education. Owing to a decrease in the number of students, the various schools for junior secondary vocational education had become very small, which meant that it was difficult to offer a wide range of courses. In previous years, the schools for junior secondary vocational education had found it hard if not impossible to meet the demands of trade and industry. Accordingly, certain sectors had an urgent demand for skilled labour, which was simply not available. On 1 August 1995 the separate categories of junior secondary vocational education, namely junior secondary technical education (LTO), junior secondary commercial, tourist and administrative education (ETAO) and junior secondary home economics education (LHNO) were replaced by an integrated form of junior secondary vocational education with various departments. During the basic cycle of junior vocational education (the first 2 years) both boys and girls take administrative and technical subjects. During the vocational cycle - i.e. the two following years - the pupils choose a specialisation with a view to a particular occupation.

Subsequently activities to restructure senior secondary vocational education (MBO)were initiated. The current types of senior secondary vocational education, i.e. senior secondary technical education (MTO), senior secondary commercial education (MAO), senior secondary services and caring education (CPS), nursing training and the Aruban Hotel School, will be combined to form a single type of school for intermediate vocational education (EPI or Educacion Profesional Intermedio), with various departments:

- services and health care sector;
- engineering and technology sector;
- economics sector;
- hotel and catering sector.

System of student loans

Aruba has a system of student loans which are awarded to students wishing to study at university and higher professional (HBO) level. A student loan is granted if various objective criteria are met. Both men and women are eligible for a student loan. If they meet the requirements, they are free to take the course of their choice. To assist students in their choice of course, information is provided at the schools. The Education Department also has a special information centre called "My future" (Mi Futuro), to which three careers advisers are attached. They also hold career information evenings at schools.

The statistical data of the Education Department show that the most popular courses in 1995 were once again "Economic sciences, business administration etc." (Figure II). This was even more true of women, who are in fact consolidating their position as the majority (Figure I), than of men. In addition, the Netherlands continues to be the country most frequently chosen as the country of study and higher professional education remains the most common level (Figure III).

FIGURE I

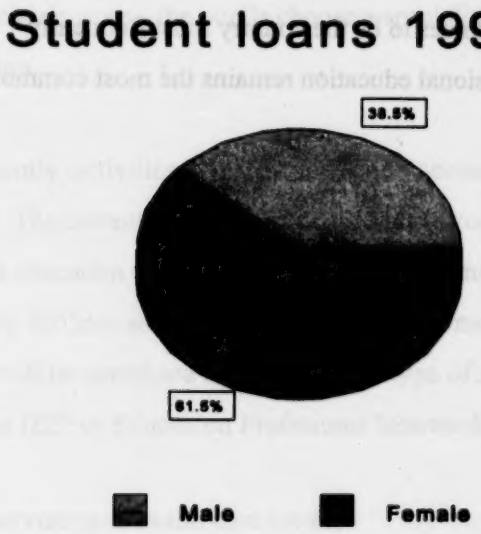
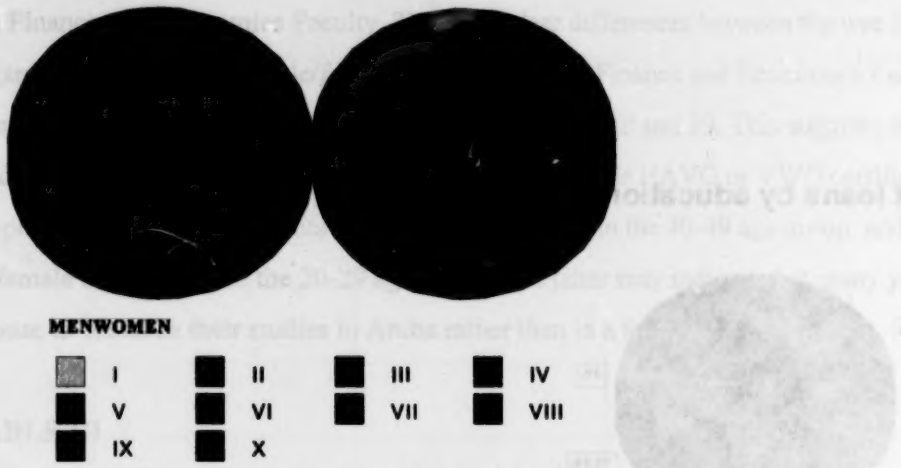


FIGURE II

Student loans awarded in 1995/96, by course



I: Agricultural sciences, livestock veterinarian

II. Engineering, architecture, urban planning, traffic management etc.

III. Mathematics and natural sciences

IV. Health sciences, biology etc.

V. Economic sciences, business administration, accountancy etc.

VI. Social and political sciences and law

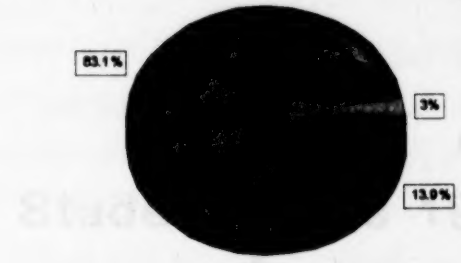
VII. Humanities, history and religious studies

VIII. Education and social services

IX. Fine and performing arts

X. Other

FIGURE III: Student loans awarded in 1995/96, by educational level
(MBO= technical and vocational training for 6-18 year olds, HBO= technical and vocational training for 18+, WO= University)



University of Aruba

More females (39) than males (35) were enrolled at the University of Aruba on 1 September 1996. Since 1993 the University has had a second faculty in addition to the Law Faculty, namely the Finance and Economics Faculty. There are clear differences between the two faculties as regards both age and the male/female breakdown. The Finance and Economics Faculty has a relatively large number of students between the ages of 20 and 29. This suggests that many students start this course immediately after obtaining their HAVO or VWO certificate. A large proportion of the male students in the Law Faculty are in the 40-49 age group, and the majority of female students are in the 20-29 age group. The latter may indicate that many young women choose to continue their studies in Aruba rather than in a foreign country.

TABLE III

Number of students at the University of Aruba (Faculty of Law) by sex and age, on 1 September 1996

Age	Men	Women	TOTAL
under 20	4	2	6
20-29	15	37	52
30-39	9	14	23
40-49	5	5	10
50 plus	1	1	2
TOTAL	34	59	93

TABLE IV:

Number of students at the University of Aruba (Faculty of Finance and Economics) by sex and age, on 1 September 1996

Age	Men	Women	TOTAL
under 20	5	5	10
20-29	29	33	62
30-39	1		1
40 plus		1	1
TOTAL	35	39	74

Literacy and educational attainment

Indicators of educational attainment are indicators of the output of the educational system in terms of its contribution to human development. One special indicator of educational attainment is the literacy rate. The figures on illiteracy show that women constitute the majority of illiterates. Comparison of the percentage of female illiterates with the total number of women shows that only 3% are illiterate. Using
the ISCED structure we can also examine the educational attainment of the out-of-school population aged 14 and over. The figures differentiate by age and sex.

FIGURE IV

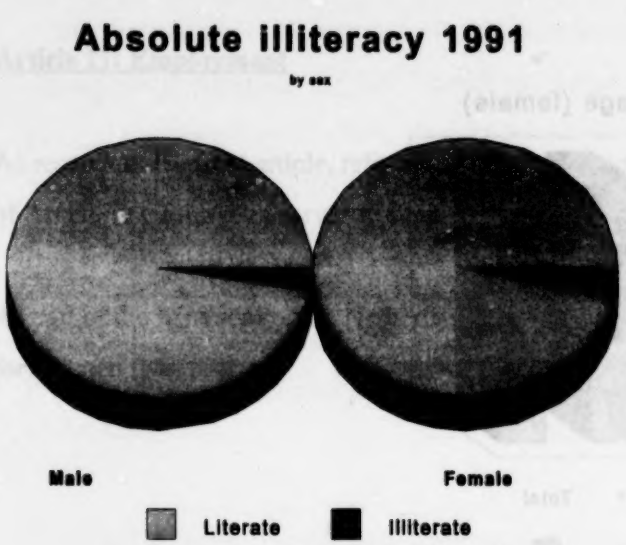
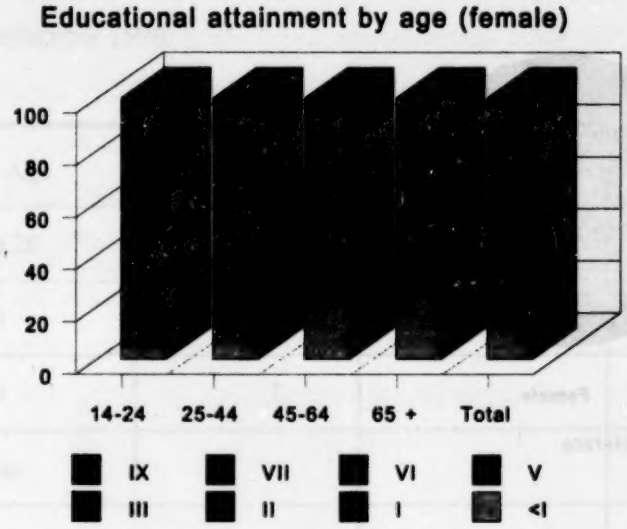

Absolute illiteracy 1991
by sex
Male
Female
Literate
Illiterate

FIGURE V



ISCED Structure

<1. Education preceding the first level

I. Education at the first level

II. Education at the second level, first stage

III. Education at the second level, second stage

V. Education at the third level, first stage, of the type that leads to an award not equivalent to a first university degree

VI. Education at the third level, first stage, of the type that leads to a first university degree

VII. Education at the third level, second stage, of the type that leads to a postgraduate university degree or equivalent

IX. Education not definable by level.

Article 11: Employment

As regards the present article, reference is made to articles 6 and 7 of the initial ESOCUL report of Aruba. The following serves to supplement the report.

As part of the Kingdom of the Netherlands, Aruba is party to the ILO Convention on Night Work for Women (No. 89).

Participation of women in general

According to the Labour Force Survey conducted by the Central Bureau of Statistics in 1994, the employment rate has increased significantly during the past twenty years. In 1972 the employment rate for the total population was 47.2%. During the seventies there was a noticeable increase in the participation of the total population in the labour force. The employment rate had increased to 57.8% by 1981 and stood at 63.5% in 1994, which is about the same as in the Netherlands. The employment rate for males has not changed significantly since the early eighties. The increase in the overall employment rate is mainly due to a sharp rise in the participation of women in the labour process. In 1972 the employment rate for women was 27.9%. In the seventies their participation increased sharply, reaching 40.2% by 1981. The population census of 1991 showed a further increase to 53%. Since then the increase has levelled off and 52.7% of women are now employed. It should be noted, however, that the participation rates for women over the age of 40 have been rising since the early nineties. The percentage of women in the Aruban labour force now stands at approximately 44.3%.

Between 1991 and 1994 female employment rose more than that of men. The great majority of the employed female population are in the categories of "clerks" and "service workers, shop and market sales workers and basic occupations". Of the total female labour force, 21.4% were classified as employed in the "wholesale and retail trade and repairs", and 20.8 per cent in "hotels and restaurants". On the other hand, many more males than females work as "legislators, senior officials and managers" and "professionals". Other typically male-oriented sectors are "plant and machine operators and assemblers", "craft and related trade workers", "skilled agricultural and fishery workers" and "armed forces": 97.4%, 95.1%, 100% and 100% respectively of these categories are males.

Table V shows the distribution of salaries for males and females. Wages are still considerably higher for men than for women. The median gross monthly income is ANG 1,768 for men and ANG 1,300 for women. It follows that the median wage for men is no less than 35% higher than for women. Figures from the 1994 Labour Force Survey show that 1.2% of women work in the lowest salary grade and 11.3% of women work in the highest salary grade.

Table V: Gross salary distribution for current employment, by sex

	Male	Female
5th percentile	884	400
10th percentile	1000	500
1st quartile	1280	926
median	1768	1300
mean	2296	1588
3rd quartile	2750	2000
90th percentile	4200	3083
95th percentile	5200	3700

Source: 1994 Labour Force Survey

Female migrants

The rapid economic growth in the construction and tourist sectors in recent years put great pressure on the local labour market to provide the skilled and unskilled labour required. When it turned out that the local market was unable to provide these large numbers of workers, a large-scale influx of foreign workers occurred. As a result, the population increased by 22,032 in the period from 1990 to 1996. Most foreign workers are in the lowest or highest categories of the labour market.

The figures produced by a survey conducted by the Labour Department in 1993 showed among other things that female immigrants accounted for 14% of the working population. Examination of the distribution between female immigrants on the one hand and local Aruban women reveals that the ratio is 29.2% to 70.8%. Almost one in every four non-Aruban employed females works in the "domestic service" sector. The number of Aruban women working in this category is only 1%.

Child care

Although the share of women in the labour market has increased significantly (47% during the 1981-1991 period), women with domestic duties and in particular those belonging to the lower socioeconomic classes are faced with obstacles in the way of realising their right to employment, in particular the lack of affordable child care and the limited scope for part-time work in both the public and the private sector. Owing to the gradual disappearance of traditional life styles, informal child care has declined sharply in recent years. More and more people are demanding organised child care facilities.

Through its policy on child care the government is trying to create incentives in order to expand

the package of services. A draft law regulating the existing child care centres is pending in Parliament. This law sets out the rules governing the licensing of child care centres and health and safety regulations. Hitherto child care centres have not had to meet formal requirements, although the nature of the work and the responsibilities accompanying them make it desirable to have certain minimum rules.

In its economic plans for the future, the government intends to encourage married women to enter or re-enter the labour market by offering adequate day-care facilities for children and by granting fiscal incentives such as making the wages of domestic services and the costs of day care centres available for tax relief.

It should be noted in this context that the initiatives of certain companies in the private sector to establish child care facilities for their employees or to provide a cash allowance as a contribution towards the costs of child care are a relatively new development for Aruba.

Women and part-time work

The mean number of working hours (hours worked according to a written or oral contract) for Aruba as a whole is 41.2. This is quite high, given that it includes both full-time and part-time workers. The average working hours for men and women are 41.8 and 40.5 respectively. Although these averages are quite close to one another, the distribution of hours between the two sexes is more unequal. Women are more likely than men to have a part-time job. Only 5.8% of men have a contract of under 40 hours a week, compared with 15.8% of women.

Proposals have been made by a government committee known as "Employment in Balance" to encourage part-time work in Aruba in both the public and the private sectors. By encouraging part-time work the government could enable parents with responsibilities for raising their children to take part in the labour process after all. A project known as "After noon" (Trai merdia) has been initiated by the Employment in Balance Committee. Under this project, some

600 children in various schools throughout Aruba are cared for after school.

Maternity leave and obstetric assistance

Some additional information about medical expense schemes and maternity leave is given below. As stated in the previous report, the duration of maternity leave in the public and private sectors differs. Hitherto, maternity leave has not been regulated by law in either of these sectors. In practice, the situation for the sectors is as follows.

Public sector

The provision of medical treatment and/or nursing for public sector employees is regulated by the Law on contributions toward the medical expenses of public servants. This includes the "90% scheme" under which the State pays 90% of medical expenses and the employee 10%. This also applies to obstetric assistance for female public servants and the wives of male public servants. Public servants whose income is below a certain level are entitled to free medical treatment and nursing.

Since 1974 woman have been entitled on the basis of a circular to six weeks' maternity leave before the expected date of delivery and six weeks after delivery. Women retain their full pay while on maternity leave. In the last few years the authorities have been flexible about when maternity leave is taken. For example, female public servants have been able, with the approval of their head of department, to continue working until 4 weeks before the due date, provided there is no medical reason not to do so.

Private sector

Employees in the private sector are governed by the Law on medical insurance. Under section 3 (2), maternity leave is equated with sick leave. Section 5 (1) provides that women shall be

entitled to four weeks' leave before and four weeks' leave after the expected date of delivery.

The daily rate payable as sickness benefit is:

(a) if the employee is married or single and is the breadwinner: 80% of the daily wage;

(b) if the employee is single and not the breadwinner: 70% of the daily wage and, if he/she is admitted to hospital, 50% of the daily wage; a married woman who is not the breadwinner is treated as single (section 5 (2)).

General medical expenses insurance scheme

The government is introducing a general medical expenses insurance scheme (the AZV). The aim of this scheme is to provide a system of high-quality, affordable health care that is equally accessible to all. Although access to health care under the current system is in principle guaranteed for all, there are, for example, differences in the cover provided. These differences are due not to the needs of the patient but to differences in income, employer and the way in which medical expenses are financed. The new scheme is designed to ensure that access to necessary health care is at least guaranteed at its present level for the different groups that are dependent on it and to eliminate any disadvantages suffered by certain groups.

Under the new scheme each resident of Aruba will be compulsorily insured against medical expenses. As insurance is compulsory, the risks will be spread over time and over the entire population. As a result of the social character of the system, healthy people will help to pay for those who incur high medical expenses, young and middle-aged people will subsidise the expenses of the elderly and the well-off will subsidise the less well-off. The insured will be entitled to a basic package of services, including obstetric help. When the basic package of services is determined, the statutory provisions governing the different categories will be repealed or the sections relating to them will cease to have effect.

The medical expenses covered by the Law on medical insurance (which provides that the medical expenses of the wife of a male public servant will be reimbursed but not the medical expenses of the husband of a female public servant) will be transferred to the new scheme. No distinction is made between female and male employees as far as medical expenses are concerned. A distinction is, however, made with regard to sickness benefit, i.e. the money paid out by the Social Insurance Bank to cover loss of income in the event of sickness. Married men are treated differently to married women and single men and women in that married men need not prove that they are the breadwinner whereas a married woman is regarded as single and therefore has to prove that she is the breadwinner. (The criterion of breadwinner is relevant to the percentage of a person's income that is paid out in the event of sickness.)

Vocational training

Investment in human resources continues to be a major priority of the Aruban authorities. The Training for Employment Programme (Enseñansa Pa Empleo) established by the authorities provides for training designed to improve the knowledge and skills of course members in order to increase their chances of finding work, securing promotion or applying for a different (and better paid) job. This government programme enables men and women, regardless of their nationality, to take courses in various fields, including languages, bookkeeping, computer science and technical courses for a small sum of money. The range of courses has been greatly increased over the years. The programme started in 1988 with 10 courses. This number had risen to 54 in 1996. The annual programme surveys show that 70-75% of the participants complete the courses successfully. The table below shows that the percentage of women completing the courses successfully since 1989 is higher than the percentage of men.

TABLE VI

Year	Number of courses	Number of enrolments	Number of graduates	Male graduates	Female graduates
1988	10	325	223 (68.6%)	140 (62.7%)	83 (37.2%)
1989	18	1386	1023 (73.8%)	319 (33.1%)	704 (69%)
1990	42	2861	1977 (69.1%)	716 (36.2%)	1261 (63.8%)
1991	15	263	183 (70%)	81 (44%)	103 (56%)
1992	48	4058	2998 (73.9%)	1004 (33.5%)	1994 (66.5%)
1993	57	4792	3430 (71.6%)	1321 (38.5%)	2109 (61.5%)
1994	55	3923	2926 (74.6%)	1145 (39.1%)	1781 (60.9%)
1995	42	3155	2367 (75.0%)	819 (34.6%)	1548 (65.4%)
1996	54	2114	1623 (76.8%)	710 (43.6%)	913 (56.3%)
TOTAL	341	22877	16 750	6255	10496

General Recommendation no. 12

The following provisions of the Civil Code of Aruba define first of all the obligation of the employer to ensure that the person, good name and physical integrity of the employee are not exposed to risk at work and, second, the right of the employee to terminate the employment summarily in the event of violence or the threat of violence and to request the courts to end the employment relationship (articles 1614X, paragraph 1, 1615O, 1615Q, 1615W and 1615 X of the

Civil Code).

In practice, the Conflict and Dismissal Section (Conflicto & Retiro) of the Labour Department hears both parties, i.e. both an employee who lodges a complaint against his or her employer and the employer (principle of examination and cross-examination). Where appropriate there will be an attempt to mediate between the parties. If relations are so bad that there is no prospect of successful mediation, an attempt is made to reach a settlement. If the worst comes to the worst, the case is referred to the Social Affairs Department for free legal assistance. If the employment is terminated summarily by the employee for urgent reasons, he or she may be entitled to compensation. In other cases, the employer may request termination of the employment relationship and compensation.

To date the Labour Department has not kept separate records of the complaints of female employees in connection with violence at work. However, it is intended to do this once the Conflict and Dismissal Section has been automated. Although one-off studies of violence or abuse (psychological and otherwise) at work and other forms of undesirable conduct in the workplace have been carried out, there has not yet been any structural study of this subject at national level.

Article 12: Health

General

Further to the previous report, it should be noted that the Dr Horacio Oduber Hospital ranks as a medium-sized hospital with 253 in-patient beds, plus 26 beds reserved for the psychiatric ward. In 1994 there were 9,970 admissions and an occupancy rate of 87.2%. The hospital is a private, non-profit-making institution and is managed by a foundation. The services provided by the hospital are internal medicine, surgery, urology, gynaecology and obstetrics, paediatrics, ENT, ophthalmology, neurology, psychiatry and rehabilitation. The hospital has a 24-hour emergency unit which treated 25,293 patients in 1994.

The medical centre in San Nicolaas, which was mentioned in the previous report, also provides medical care to the inmates of the Correctional Institute. This centre mainly provides primary care, although limited secondary care is also available. The centre has a 24-hour emergency unit, which operates under the supervision of a general physician.

Medical care in Aruba is provided by primary care physicians and/or specialists who are established on the island. For a patient to be admitted to hospital, he or she has to be referred by a specialist. An exception is made for pregnant women, who can be admitted by their general practitioner.

There are currently 48 specialists and 32 general practitioners working on the island. Since the population is around 85,000 this gives ratios of 1:1,800 and 1:2,700 respectively. Eight of the GPs and four of the specialists (a paediatrician, a psychiatrist, a general surgeon and an anaesthetist) are women.

People who are legally on the island are either privately insured or insured through their

employer. Those who are not employed and the elderly and disabled are issued with a "Pour Pouvre" Card (PPK) and receive free medical care from doctors in government service. Their medicines are also paid for by the authorities. People without insurance are not barred from medical treatment at the emergency section of the hospital. The payments can be made later on.

The five principal causes of death in the period from 1987 to 1993 were circulatory disorders, neoplasms, endocrine, nutritional, metabolic and immunity system, external causes and the respiratory system.

TABLE VII: Selected Cause of Death by Age & Gender, 1993

CAUSE GROUPS PER ICD-9	TOTAL		%
TOTAL DEATHS	M	215	100
	NR	7	
	F	175	
Ill-defined Causes	M	56	25.4
	NR	1	
	F	40	
Total Deaths from defined causes	M	159	74.6
	NR	6	
	F	135	
Communicable Diseases	M	11	4.5
	F	7	
Neoplasms	M	31	11.7
	F	16	
Circulatory Disorders	M	65	34.3
	NR	4	
	F	69	

Congenital/perinatal Conditions	M	4	1.5
	F	2	
External Causes	M	20	7.2
	NR	1	
	F	8	
Other	M	28	15.4
	NR	1	
	F	33	

TABLE VIII:
Number of Deaths & Proportional Mortality due to selected causes by gender, 1993

CAUSE OF DEATH	TOTAL		
		#	%
Hypertension	M	9	4.2
	F	16	9.1
Diabetes	M	8	3.7
	F	17	9.7
Ischeamic Heart Diseases	M	15	7
	F	18	10

Cerebrovascular Diseases	M	1	0.5
	F	5	2.9
Suicides	M	3	1.4
	F	0	0
Homicides	M	4	1.9
	F	1	0.6

Source; Department of Public Health

TABLE IX: Life Expectancy by Gender

AGE	MALE	FEMALE
At birth	71.1	77.12
1	70.87	76.68
5	67.05	72.8
10	62.41	67.99
15	57.46	63.02
20	52.56	58.06
25	47.78	53.18
30	43.25	48.36
35	38.5	43.42
40	33.99	38.68
45	29.69	33.88
50	25.25	29.4
55	21.41	24.61
60	17.43	20.43
65	13.73	16.6

70	10.41	12.24
75	7.98	8.91
80	6.03	5.99
85	4.56	2.63

Source: Population Census -Oct. 6- and Registry Office

AIDS

The following is an update on the previous report. Sero-positivity screening is performed by the National Laboratory of Aruba using ELISA and a confirmatory LiaTek test. Confirmation testing is carried out abroad by Western Blot. Pre-test and post-test counselling is available through the Infectious Diseases Division. All HIV-positive patients reported to the Infectious Diseases Division receive post-test counselling, unless the patient refuses this. Apart from clinical care and counselling for HIV/AIDS-infected patients, the control measures include health (AIDS) education and epidemiological surveillance, mainly of prostitutes, some STD patients and all blood donors.

TABLE X: Registered AIDS cases by age and sex, 1987-1996

Age group	Male	Female	Total
0-4			

5-9			
10-14			
15-19			
20-24			
25-29	1		1
30-34	4		4
35-39	3		3
40-44	3	3	6
45-49	2	1	3
50-54	1	1	2
55-59	1		1
60+		1	1
NR	3	1	4
Total	18	7	25

Source: Division of Infectious Diseases, Department of Public Health

TABLE XI: Registered AIDS cases by risk factor, 1987-1996

Risk factor	Male	Female	Total

Hemophilia			
Other blood transfusion			
IV drug user	1		1
From mother to child			
Heterosexual	7	3	10
Male homosexual	6		6
Male bisexual			
Other known risk		1	1
Risk factor unknown		3	3
Total >>>>>	14	7	21

Source: Division of Inectious Diseases, Department of Public Health

TABLE XII: Registered AIDS cases, 1987 - 1996

Year	Persons who developed AIDS
1987	2
1988	2
1989	2
1990	4

1991	1
1992	2
1993	1
1994	0
1995	6
1996	4
Total	24

TABLE XIII: Positive HIV test results, 1986-1996

Year	Positive results	Year	Positive results
1986	4	1992	22
1987	5	1993	47
1988	3	1994	26
1989	6	1995	29
1990	10	1996	52

1991	23	

Source: Division of Infectious Diseases, Departmnet of Public Health

Approximately 50% of people found to be sero-positive were immigrants applying for a work permit. As the majority of these immigrants returned to their country, it is impossible to determine how many of those found to be HIV-positive have since developed AIDS or died as a result of the disease.

The National AIDS Committee established in 1987 and referred to in the previous report was replaced in 1993 by the Aruba AIDS Task Force (AFTA). AFTA is a working group that comes under the Health Department. It operates on the basis of a national AIDS plan, drawn up in accordance with the guidelines of UNAIDS. AFTA organised the following activities in 1996:
A *Carnival Campaign*, consisting of the distribution of condoms in "First Aid Kits", a radio jingle, press releases and radio programmes, the distribution of T-shirts and two TV shots ("Women's Vulnerability" and "Early Sex") broadcast on Tele-Aruba in cooperation with the Family Planning Association (Famia Planea).
Seminars on sexuality, concerning the importance of sex education in schools. The seminars were intended for secondary school heads and teachers and for trade unions, organisations, the Education Department and parents.
Research: a study was started in August 1996 as part of the "Knowledge, attitudes, beliefs and practice" survey to gather data on knowledge about AIDS and sexual behaviour among 18 to 65-year-olds.
An *Infection Prevention Seminar* was held in November 1996 for medical and paramedical staff.
Arubus Sign: a contract was concluded with a local bus company for two buses to carry a sign bearing the words "Stop AIDS, protect yourself" for a year.
World AIDS Day: a TV programme featuring an interview with an AIDS patient was broadcasted, and 10,000 red ribbons were made for the Red Ribbon Campaign with the help of a

number of service clubs, the Association for the Mentally Disabled and the Health Department. The ribbons were distributed to various bodies and were worn for a week.

Other: Financial support was given to the Women's Club of Aruba for the Names Project - an idea originating in the United States where thousands of quilt squares have been sewn together in memory of people who have died of AIDS. The aim of the project was to make people more aware of the dangers of AIDS.

AFTA receives funds from the Aruban authorities and from UNAIDS.

Information about the spread of the HIV virus is also disseminated by the Aruban Women's Club, a social and charitable organisation. This is done by showing films on national television, organising panel discussions and visiting schools.

Pregnancy and childbirth

The birth rate in Aruba in 1995 was 17 per 1,000 of the population. Infant mortality is difficult to determine since there are just over 1,000 births per year only. The average rate for 1995 was 0.7‰. Maternal mortality is not measurable owing to the low numbers involved.

According to data from the Central Bureau of Statistics, the number of illegitimate children born in 1996 rose sharply. 623 of the children born in 1996 (42.9%) were illegitimate. The total for 1995 was 557 (39.2%), of which 107 were born to girls in the 15-19 age group. The number of teenage pregnancies in 1996 was 108. This is illustrated by the following table.

TABLE XIV: Legitimate and illegitimate live births by age of mother

1995		1996	

< 15 year	2	< 15 year	6
15-19 year	105	15-19 year	102
20-24 year	153	20-24 year	166
25-29 year	120	25-29 year	138
30-34 year	102	30-34 year	129
35-39 year	63	35-39 year	70
40-44 year	12	40-44 year	12
45-49 year	0	45-49 year	0
TOTAL	557	TOTAL	623

In order to promote and support the welfare of young people, the "Asociacion Trabao di Hubentud na Aruba" (ATHA), an umbrella organisation for youth welfare associations, will carry out a study in the period from October to December 1997 of the assistance provided to young mothers. The findings of this study will be used to improve the care provided, by strengthening the network and coordinating activities.

Female drug addicts

The Dakota Centre (Centro Dakota) is a rehabilitation centre for drug addicts which was officially opened in July 1996. It is intended as a low-threshold institution, and admissions are on a voluntary basis. Around 30% of those admitted are women.

The table below shows the number and duration of admissions and sex of the patients in the

period stated. It should be noted that the demand for places is still very high, which inevitably affects the length of stay. There is a pressing need for follow-up treatment, particularly for women patients. Various projects (including a halfway house for women) have therefore been planned and will be implemented in 1998.

TABLE XV: Admissions to the Dakota Centre

14 June - 31 December 1996

Admissions	**number**	**monthly average**	
	82	12.6	
Length of	**shortest**	**longest**	**average**
stay	1 day	180 days	56.9 days
Sex	**Male**	**Female**	
	42 (75%)	14 (25%)	

* 56 individual cases (68.3%)
  26 re-admissions (31.7 %)

Source: National Drugs Coordinator, Ministry of Justice

Article 13: Economic and social life

Reference should be made to article 9 of the first Aruban ESOCUL report. What follows is intended to amplify the previous report. Further to the first CEDAW report two judgments of the Appeals Tribunal are worth mentioning in connection with the Law on general old age pensions.

The first case concerned a married woman who had reached the age of retirement (60 years) and whose husband had waived the right to a married person's pension when he previously reached the age of retirement. Under section 6 of the Law on general old age pensions,(referred to below as the AOV), insured persons who have reached the age of 60 are entitled to an old age pension, but this right does not apply to a married woman unless her husband has not yet reached the age of 60. (The other exceptions are where the couple marry after reaching the age of retirement and where the spouse is not insured within the meaning of the AOV.) In this case the wife did not fall into any of the categories listed in subsection 2 and was therefore not eligible for a pension. Her claim was therefore rejected by the Social Insurance Bank on this ground. In its judgment of 19 March 1997, the Appeals Tribunal held under the Law on general old age pensions that the provisions of article 6 make a direct distinction between husbands and wives and that husbands are given treatment preferential to that given to wives. It accordingly ruled that there had been direct discrimination on the ground of sex, which was contrary to article 4 of EC Directive No. 79/7 of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security (the "Third Directive").

The second case involved a married woman who had reached the age of 60 and whose husband had not yet reached that age. Although the Social Insurance Bank granted her an old age pension under section 6 (2)(c), it treated her as a single person and she was paid a single person's pension. If a married man reaches the age of retirement, he is eligible for a married person's pension regardless of the age of his wife. The Appeals Tribunal held that article 6 made a direct

distinction between married men and married women and was therefore contrary to article 4 of EC Directive No. 79/7 of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security (the "Third Directive").

As regards taxation, it can also be mentioned that pending the new legislation on income tax, the Law on income tax and the Law on wages and salaries tax have been amended and the levying of tax on married women will be partially separate. The new arrangement is retroactive to 1 January 1990. Two reasons have been given for the introduction of a separate levy for married women: first, the need to attract women into the labour market and, second, the need to start complying with the obligations under article I.1 of the Constitution of Aruba (the principles of equality).

The way in which income tax was levied was generally disadvantageous to married women since the net income of a married woman was treated as the income of her husband and a joint assessment was therefore issued in the name of the husband. The principal rule of a partially separate system of levying tax consists of a separate levy of tax on the earned income of a married woman who is not permanently separated from her husband. Under section 20 (1) of the Law on income tax, the net incomes of both spouses are aggregated as the income of the spouse with the highest personal earned income in the case of married taxpayers who are not permanently separated. The person with the highest personal earned income may be either the husband or the wife. Subsection 2 provides that the net income from current and former employment is taxed separately, in other words it is not aggregated with the net income referred to in subsection 1.

Since the introduction of a separate levy will have a disproportionately adverse effect on some taxpayers, it has been decided not to abolish the system of imposing a joint assessment. Taxpayers can apply for a joint assessment as an exception to the rule of partially separate tax levies.

Article 15: Equal treatment before the courts and the law

As an addition to the previous report it should be noted that there are at present 14 female lawyers working in Aruba out of a total of 50. Since the previous report, therefore, the number of female lawyers has doubled in absolute terms. It should, however, be pointed out that the total number of lawyers has also increased (by around 15). It follows that the increase in the number of female lawyers does not represent a doubling in percentage terms.

As regards the principle of equality, the following observations should be made in addition to the previous report. The Civil Code, particularly the family law part, still contains many discriminatory provisions, and there cannot therefore be really said to be equality before the law. See for example what was said in the first CEDAW report about the place of residence of a family. Although this is decided in mutual consultation, the decision is taken by the husband in the event of a failure to reach agreement. And there are countless other examples. Some of the provisions are so outdated that they are no longer applied in practice. In addition, discriminatory provisions have to be disregarded when reviewed by the courts since they are contrary to treaties or the Constitution. To this extent, therefore, it can be said that men and women are treated equally before the law.

The Civil Code Review Commission which was jointly established by the authorities of the Netherlands Antilles and Aruba in 1993 has made a number of important proposals for amendments to family law and the law of persons (Book 1) in order to abolish the inequality between men and women (see article 1-3).

As regards the relevant case law it should be noted that, as previously remarked in relation to the fourth report on the International Covenant on Civil and Political Rights, there is much case law on the prohibition of discrimination between men and women. In such cases, the courts usually

base any decision on the Constitution, which prohibits discrimination on any ground. The courts generally allow an action brought on the basis of the principle of equality or the prohibition of discrimination, provided that it does really involve "equal cases". An example is the series of judgments concerning equal payment for equal work. The Court of First Instance of Aruba has now given a number of judgments on equal payment for (married) male and female employees. The Public Servants Cases Tribunal too has given various judgments on this subject (for example in two cases of 12 February 1990). In all these judgments it was held that a difference in pay between (married) men and (married) women who performed comparable work was contrary to article I.1 of the Constitution of Aruba (and article 26 of the International Covenant on Civil and Political Rights).

With regard to article 15 (4) of the Convention, reference is made to articles 12 and 13 of the Fourth Supplementary Periodic Report of Aruba on the ICCPR and article 3 of the Second Supplementary Report on CAT.

Owing to the increasing number of migrants entering Aruba since 1990, attention will be paid below to the problem of family reunification.

Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) guarantees the right of everyone to respect for his private and family life. The State may infringe this right only in very exceptional circumstances. Whenever a question of entitlement to reside in Aruba involves the right to family and private life, it is necessary to consider whether the State may interfere with this right. Since the provisions governing cohabitation, marriage and recognition are abused (within the Kingdom of the Netherlands) in order to obtain residence permits for aliens, the statutory regulations are being tightened up where necessary.

The admission of aliens to Aruba is regulated in the Law on Admission and Expulsion. A revision of the law has been pending in parliament since 12 October 1992. In anticipation of the enactment of this law, the Minister periodically promulgates guidelines concerning aliens policy. The revised law abolishes among others the discriminatory provision in section 1 of the present law, which distinguishes between the legitimate family of a man born in Aruba and of a woman born in Aruba. The distinction has already been abolished in practice.

The admission of relatives to Aruba is possible only if the holder of the residence permit has resided legally in Aruba for at least three years and it is likely that his or her permit will be extended. A number of other conditions must also be fulfilled. For example, the children may not be older than 6 years (to ensure that they can join the Aruban educational system without difficulty). And they must form part of the actual family while they are still abroad. It is also necessary that the parties should be married and that there is sufficient income to support a family. In the case of certain less skilled occupations, those applying for admission should generally be single since they have insufficient income to support a family. Live-in domestic servants are an example. It is also necessary that married couples should actually live together. If there is a marriage of convenience, the residence permit may be refused.

The relatives are generally issued with a residence permit that is dependent on that granted to the head of the family and have to return to their country of origin if the marriage is dissolved before it has lasted for five years. If minor children marry or leave the parental home, the dependent residence permit is lost. Whether they may remain in Aruba depends on the circumstances.

If an application for a residence permit is refused, a permit is cancelled or an expulsion order is issued, the person concerned may appeal to the Governor within fourteen days of receiving the written notice in question. This appeal is instituted by means of a written statement to this effect

lodged by or on behalf of the person concerned at the office of the Procurator General. The statement should specify the grounds for appealing against the decision mentioned in the notice. The Procurator General forwards the documents and his recommendation to the Governor within a month of the date on which the appeal is lodged. A decision on the appeal is taken by Country Order within three months of its submission and after the Advisory Council has been heard. The decision gives reasons. A copy is sent to the Procurator General and to the appellant.

Since 1 January 1997 all first applications for a residence permit have been halted. An exception is still made for teaching, health care and project-related personnel and in emergencies.

Information that has recently become available shows that one third of the population (32%) now consists of immigrants. This is having a marked effect on education, housing, infrastructure and health care. As far as the integration of foreign children is concerned, reference is made to Part I, section 5, of the Second Supplementary Report of Aruba on CAT and article 7 of the eleventh and twelfth periodic reports of Aruba on ICERD.

TABLE XVI: Flow of immigrants by sex, 1991 and 1994

	1991				1994			
	Aruban		Migrant		Aruban		Migrant	
	abs.	%	abs.	%	abs.	%	abs.	%
Male	25682	77.4	7520	22.6	27547	68.9	12459	31.1
Female	25192	73.6	9029	26.4	27022	67.1	13229	32.9
Total	50874	75.5	16549	24.5	54569	68.0	25688	32.0

Source: 1991 census and Statistical Data for the 4th quarter of 1994.

Until 1991 women were over-represented among immigrants. Since 1991, however, men have outnumbered women. Now the numbers of male and female immigrants are reasonably in balance.